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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VIKRAM VALAME,

Plaintiff,

v.

JOSEPH R. BIDEN, President of the United
States, *et. al.*,

Defendants.

CASE NO. 5:23-cv-3018 NC

**STIPULATED REQUEST AND
[PROPOSED] ORDER DISMISSING
CLAIMS AGAINST JOHN
ARBOGAST (IN HIS PERSONAL
CAPACITY) WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 21 and Local Rule 7-12, Plaintiff and Defendants in the above-captioned case jointly request that the Court enter an order dismissing all claims against John Arbogast, in his personal capacity, without prejudice. Plaintiff has failed to serve John Arbogast in his personal capacity within the time allotted by the court. *See* ECF No. 32. Since Plaintiff will be unable to complete personal service in a reasonable amount of time, dismissal is appropriate. The parties stipulate and agree as follows:

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Without Prejudice

1. Plaintiff filed the operative complaint in this case on June 20, 2023. The complaint challenges the legality of the “male-only” draft registration requirement of the Military Selective Service Act, asserting claims under the Fifth Amendment and the purported 28th Amendment to the Constitution of the United States.
2. Shortly before the 90-day deadline for service expired, Plaintiff requested additional time to serve two Selective Service officials, Steven L. Kett and John Arbogast in their personal and official capacities. ECF No. 31. The Court allowed Plaintiff until October 16th, 2023, to serve those defendants. ECF No. 32.
3. While Plaintiff properly served Steven L. Kett in his personal and official capacities, and John Arbogast in his official capacity, Plaintiff has not served John Arbogast in his personal capacity. ECF Nos. 34-36.
4. Plaintiff encountered several unforeseen expenses following the order granting an extension of time. These expenses included mandatory fees for German immigration photography and extra charges for discovering Steven L. Kett’s address. Due to these fees and budgetary constraints, Plaintiff does not believe he can afford to serve Mr. Arbogast any time before 2024.
5. F.R.C.P. 21 allows the Court to “on just terms, add or drop a party”. Plaintiff and Defendants agree that it would be just for the Court to drop John Arbogast from this case without prejudice considering Plaintiff’s inability to afford service.

A proposed order is attached.

DATE: October 10, 2023

Respectfully submitted,

/s/Vikram Valame

BRIAN M. BOYNTON

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DECLARATION

I declare, under penalty of perjury, that the factual assertions contained in this stipulation are true and correct to the best of my knowledge.

/s/Vikram Valame

Vikram Valame

Pro Se

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